SIKKIM

GOVERNMENT GAZETTE

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Gangtok **Tuesday 13th February, 2007** **No. 25**

GOVERNMENT OF SIKKIM
MOTOR VEHICLES DIVISION
TRANSPORT DEPARTMENT

No.56/MV/T **Dated:** 13. 02. 2007

NOTIFICATION

The following draft of certain rules which the State Government proposes to make in exercise of the powers conferred by section 95 and 96 of the Motor vehicles Act, 1988 (59 of 1988) is hereby published as required by sub-section (1) of section 212 of the said Act for information of all persons likely to be affected thereby and notice is hereby given that the said draft would be taken into consideration after the expiry of 15 days from the date on which the copies of the Notification as published in the Official Gazette are made available to the public.

Any objection or suggestions which may be received from any person with respect to the said draft rules before the expiry of the period so specified shall be considered by the State Government.

DRAFT RULES

Short title, extent and commencement

1. (1) These rules may be called the Sikkim Motor **Vehicles** (Amendment) Rules, 2007
(2) They shall extend to the whole of Sikkim.
(3) They shall come into force at once.

Insertion of new rule 74A

2. In the Sikkim Motor Vehicles Rules, 1991 (hereinafter referred to as the said rules), after rule 74, the following rule shall be inserted, namely: -

"74A, Application form for luxury tourist vehicle (motor cab):
- The application form for grant or renewal of luxury tourist vehicle (motor cabs) shall be made in Form SKV-72, namely: -

FORM SKV –72
(See rule 74A)

Application for grant or renewal of regular permit in respect of luxury tourist vehicle (motor cab).

To,

The State Transport Authority,
.....

In accordance with the provisions of Section 69 and 80 of the Motor Vehicles Act, 1988 I, hereby apply for permit under Section 66 of the said Act in respect of a luxury tourist vehicle (motor cab) as herein after set out: -

1. Full name.....
age .....

2. Name of father or husband: (in the case of an individual) .....

3. Status of the applicant .....

4. Address .....

.....

5. Particulars: -

(i) Type of vehicle .....
(ii) Cost of vehicle.....
(iii) Year of manufacture .....
(iv) Seating capacity .....
(v) Colour of vehicle .....

6. Area or route.....

7. Arrangement made for garaging of the vehicle (s) (to be given in detail) .....

.....

8. Arrangement made for customers to contact permit holder .....

.....

9. Particulars of any contract carriage permit held by the applicant ....

.....

10. I enclose B.R. /Challan for Rs. ....being the prescribed fee.

11. I hereby declare that the above statements are true and agree that they and such other provisions of the Act and of the rules framed thereunder as relating to permit shall be conditions of permit issued to me.

Date. 200

Signature of the applicant.

(To be filled in the office of the Secretary, STA)

1. Date of receipt .....
2. Amount of rupees ..... received vide B.R. /Challan No. .....dated..... and other particulars
3. Circulation to members /consideration at a meeting/decision by Chairman .....
4. Granted/granted in modified form /rejected .....on the ..... day of .....200 .....
5. Number and date of issue of permit and its validity .....200.....

Date .....200.....

Secretary
State Transport Authority

Insertion of new rule 75 A

3. In the said rules, after rule 75, the following rule shall be inserted, namely:-

"75 A. Permit for luxury tourist vehicle (motor cabs): -

The permit for luxury tourist vehicle (motor cabs) shall be made in Form SKV- 73, namely: -

FORM SKV – 73
(See rule 75 A)
Permit in respect of a Tourist vehicle (motor cab)

Transport Authority..... No.....

1. Full Name .....
2. Name of father or husband .....
3. Address .....

.....

4. (a). Registration Mark.....

   (b). (i) Chassis No:. .....(ii) Engine No.....
5. (i) Type of vehicle .....(ii) Model .....
6. Seating Capacity: .....
7. Route, Routes/area in which permitted to ply:.....

8. (a). Fare rate:
   (i). On distance basis and waiting charge.
   (ii). On time basis.
   (iii). On reserve basis.

9. In addition to the conditions specified under section 84 and under sub-section (11) of section 88 of the Motor Vehicles Act, 1988, the permit is subject to the following conditions, namely:

(1) The vehicle shall not be parked on public stands or in public places and offered for hire.

(2) The words "Tourist vehicle" shall be painted on both the sides of the vehicle within a circle of twenty five centimeters diameter.

(3) The vehicle shall ply only on reserve basis and abstain from carrying individual passengers.

(4) This permit does not entitle the holder to run the vehicle as a normal contract carriage.

(5) No advertisement shall be exhibited on any part of the vehicle either inside or outside or on any glass thereof.

(6) The daily record of the name of the driver, his licence number and his hours of shift shall be maintained. The signature of the driver before he takes over the cab shall be obtained in log book.

(7) The ownership of the permit is only transferable to the next of kin of the permit holder.

(8) The permit holder shall not cause or permit transport of contraband luggage nor shall be used or permit the vehicle to be used in connection with any cognizable offence.

(9) All taxes payable for operation of the vehicle shall be paid regularly.

(10) No conditions of the permit as well as those prescribed under the Central Motor Vehicles Rules, 1989, shall be departed from without the prior approval of the State Transport Authority.

(11) The State Transport Authority may after giving notice, of not less than one month
(i) vary the condition of the permit.

(ii) attach to the permit further conditions, so as to accord with the condition provided by the act or prescribed by the rules made thereunder.

(12) Any other conditions provided in the Act or prescribe by rules.

Dated: **200**

Secretary
State Transport Authority

ENDORSEMENT OF RENEWALS

This permit is renewed and will expire on ..... subject to the above conditions:

Dated: **200**

Secretary
State Transport Authority

S.G.P.G. - 25/ Gazette/ 150 Cps./ 13.02.2007